

PROB 12C  
(7/93)

Report Date: July 24, 2014

**United States District Court**

for the

**Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JUL 24 2014

SEAM F. MCANOK, CLERK  
DEPUTY  
FACIA, WASHINGTON**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Justin Allen Battle

Case Number: 2:10CR00076-LRS-1

Address of Offender: [REDACTED]

Name of Sentencing Judicial Officer: The Honorable Lonny R. Suko, Senior U.S. District Judge

Date of Original Sentence: May 11, 2011

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 15 months  
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Aine Ahmed

Date Supervision Commenced: August 12, 2011

Defense Attorney: Federal Defender's Office

Date Supervision Expires: August 11, 2014

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**PETITIONING THE COURT**

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**To issue a summons.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number      Nature of Noncompliance

- 1      **Mandatory Condition # 1:** The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

**Supporting Evidence:** On July 16, 2014, Mr. Battle was arrested for fourth degree assault, a gross misdemeanor, by the Airway Height Police Department. Mr. Battle was booked and released at the Spokane County Jail on July 17, 2014, at approximately 4:00 a.m. The undersigned officer attempted to contact Mr. Battle by telephone on July 17 and July 21, 2014; however, the phone number reported to the U.S. Probation Office was no longer working. Mr. Battle did not call or attempt to contact this officer, or anyone in the U.S. Probation Office, since his release from custody on July 17, 2014.

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**Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.

**Supporting Evidence:** On July 16, 2014, at approximately 11:15 p.m. Airway Heights police officers responded to a reported fight. Dispatch advised that the victim called and reported a co-worker had assaulted him, and was kicking in the door at his current location, which was Mr. Battle's place of employment, Automotive Solutions Northwest. The victim identified Mr. Battle as the attacker. Upon arrival at the scene, police officers noticed a large group of people standing in the parking lot. An employee pointed the officers toward Mr. Battle, and advised that he was trying to fight the people he was standing with. The officer directed Mr. Battle to walk toward him. Instead of complying with the officer's order, Mr. Battle turned and walked approximately 30 feet away from the officer, then turned toward the officer in an aggressive manner. At that point, the officer ordered Mr. Battle to the ground at taser point. Mr. Battle took a drink from a beer can he was holding before complying with the officer's orders, and getting on the ground into a kneeling position. At this time, Mr. Battle was placed in handcuffs and frisked for weapons and directed to sit in the back seat of the patrol vehicle. Mr. Battle refused to comply and was assisted into the seat by the officers. It was noted by the officers that Mr. Battle had a strong odor of alcohol, and bloodshot, watery eyes.

Officers interviewed the victim, who was a co-worker of Mr. Battle's. The victim advised the officers that Mr. Battle and another employee arrived at the location intoxicated. Mr. Battle began arguing with female employees of a neighboring business. The victim approached Mr. Battle to question his behavior, and Mr. Battle allegedly grabbed the victim, pushed him against a car and began punching him in the head several times. At one point, the victim was able to get away, run inside the shop where they both worked, and lock the door. Mr. Battle began kicking at the door until it broke open. He began hitting the victim again until the victim fled to another location. Mr. Battle continued to pursue, and at that time the victim called 911.

The co-worker who arrived with Mr. Battle confirmed that Mr. Battle physically assaulted the victim, and advised that he was verbally trying to stop Mr. Battle from attacking the victim. When the victim ran into the shop, Mr. Battle began assaulting the second co-worker. This co-worker chose not to press criminal charges against Mr. Battle. The second victim's girlfriend confirmed that she also witnessed Mr. Battle assault the first victim.

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**Standard Condition # 7:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.

**Supporting Evidence:** According to the incident report on the above-noted assault, officers observed Mr. Battle drinking beer when they arrived on the scene. Officers also indicated they smelled a strong odor of alcohol coming from Mr. Battle, and his eyes were bloodshot and watery, consistent with being under the influence of alcohol. The co-worker who was with Mr. Battle, advised officers they had been drinking alcohol at a concert prior to the incident.

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The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 07/24/2014

s/Nate J. Uhlorn

Nate J. Uhlorn  
U.S. Probation Officer

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### THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

7/24/14

Date